

REGULAR CITY COUNCIL MEETING

The Regular City Council Meeting was held on October 25, 2021 at 6:31 p.m. with Council President Sudler presiding. Council members present were Mr. Anderson, Mr. Boggerty, Mr. Neil, Mr. Hare, Mrs. Arndt, Mr. Rocha, and Mr. Taylor (departed at 7:25 p.m. and returned at 7:26 p.m.).

Staff members present were Police Chief Johnson, Ms. Peddicord, Mr. Harline, Mr. Hugg, Mr. Rodriguez, and Mrs. McDowell. Mayor Christiansen was also present (departed at 6:58 p.m.).

INVOCATION

The invocation was given by Elder Ellis Louden.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Councilman Boggerty.

ADOPTION OF AGENDA

Mr. Hare moved for adoption of the agenda, seconded by Mr. Neil and unanimously carried.

ADOPTION OF CONSENT AGENDA

All Consent Agenda items are considered routine and non-controversial and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in which event the matter shall be removed from the Consent Agenda and considered a separate item.

Mr. Hare moved for adoption of the consent agenda, seconded by Mr. Neil and carried by a unanimous roll call vote.

PRESENTATION - DOVER PUBLIC LIBRARY PRIME TIME FAMILY PROGRAM

Mr. Brian Sylvester, Library Director, reviewed a presentation on the Prime Time Family program (**Exhibit #1**).

Mr. Taylor asked if equity, hearing impaired, special needs, ESL, etc. was a part of the program. Responding, Mr. Sylvester advised that he believed it could be. He did not think any of the families that were in this session had any students that had those needs, but he believed that they could accommodate them if needed. Mr. Sylvester indicated that he thought it would be a good idea and that he would discuss it with that committee.

Responding to Mr. Rocha, Mr. Sylvester advised that the program was run by a committee that was headed by Susan Elizabeth Cordell, the head of Youth Services. Two (2) of those committee members were community outreach people, Crystal Tompkins from Towne Point and Jennifer Lyle from East Dover. Mr. Sylvester stated that they did the bulk of the marketing and they tried to identify families that would benefit from the program and tried to get information into those families' hands. They would send the information home with the students or give them a call or those kind of things.

Mr. Rocha asked if the downtown community was being targeted. Responding, Mr. Sylvester advised that they were hoping to reach different schools and groups each time the program was run. He indicated that the focus was to identify and provide services to families that were at the poverty level.

Responding to Mr. Anderson, Mr. Sylvester stated that he did not know when the next session would begin; however he would find out and relay the information to members of Council.

Mr. Neil asked if they had to eliminate any other programs to fit this program in. Responding, Mr. Sylvester noted that they were able to maintain the same list of programs they normally would. He also advised that the library was able to obtain grant funding for this program.

Responding to Mr. Rocha, Mr. Sylvester advised that the first year had a little bit higher cost than following years and the first year was approximately \$10,000. He noted that they expected the following years to be between \$6,000 and \$8,000, depending on whether or not they could get donations for food.

PRESENTATION - LOCAL GOVERNMENT LEGAL SUPPORT FOR AMERICAN RESCUE PLAN CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND

Ms. Colleen Davis, Delaware State Treasurer, and Mr. Jordan Seemans, Director of Policy and Communications with the Office of the State Treasurer reviewed Local Government Legal Support for American Rescue Plan Coronavirus State and Local Fiscal Recovery Fund.

Ms. Davis advised that she was connecting with all of the towns, including Dover, that were dispersed American Rescue Plan Act funds. She noted that it was her understanding that the Governor's office had logistic procurement of legal council for a number of non-entitlement units of government, or other towns that are not grant recipients, who had decided that they wanted to utilize this pooled resource in order to gain economies of scale, as well as unified legal counsel for a variety of different reasons. Ms. Davis explained that she wanted to ensure that the City of Dover was aware of this opportunity and the fact that the law firm was prepared and ready to support all that the City may need in determining how those funds could be utilized for US Treasury guidelines.

Mr. Anderson noted that the City did not originally get the invitation to participate because it did not receive the funds directly from the State. He asked what the deadline was for joining with this particular group. Ms. Davis advised that, from the perspective of the legal council, they had set a date for the end of October, which is when the initial report was due to US treasury. They were hopeful that they could get support to all of the towns before that initial deadline.

Mr. Anderson asked if the City Solicitor thought that this type of specialized experience would be valuable to the City. Responding, Mr. Nicholas Rodriguez, City Solicitor, stated that he thought it would.

Mr. Neil asked what it would cost the City to participate and if it would be paid from ARPA funds. He noted that the City of Dover was shortchanged when it received \$200 per capita versus \$500 per

capita for Middletown and Newark, which basically were smaller, and over \$700 per capita for Wilmington.

Mr. Seemans advised that a formula was devised in consultation with the office of the Governor and Ms. Claire Dematteis, the special assistant to the Governor on the disbursement of the ARPA funds of 0.4% or 0.004, that would be applied to non-entitlement units (NEUs) or municipalities' total ARPA disbursement. Also, that amount would be 0.4% off of the total amount and it would be out of the second tranche numbers that would be coming in the spring to the City. He noted that no check was to be made from these NEUs to the State or to the Treasurer's office or to the Governor's office. However, with Dover's case, it was a unique situation because, unlike the 55 non-entitlement units, the City of Dover's money was sent directly from the US treasury instead of passing through the State Treasurer's Office. It was Mr. Seemans' understanding that a standalone agreement would have to be brokered between Barnes and Thornburg, the law firm that was under retainer from the State, and the City of Dover and that Mr. Matthew Harline, Interim City Manager, had a conversation with the law firm already.

Responding to Mr. Taylor, Mr. Harline advised that he spoke with Mr. Thomas McGonigle of Barnes & Thornburg LLP that week and they would need to arrive at a separate agreement. Ms. Davis noted that once the City determined if it would like to participate, they would engage the legal counsel to submit an engagement letter to the City. Once that engagement letter was signed, then they would move forward with the process of ensuring that Dover was connected with the firm, that every question was answered, and that every opportunity to ensure that reporting was done properly and the funds were being spent appropriately to the City's satisfaction. Mr. Seemans added that the US treasury just put out a change to the reporting deadlines for states, territories, counties, and cities and tribal governments. Those reports, for projects and expenditure data would be due January 31, 2022 and, for the NEUs, the new reporting deadline was April 30, 2022.

Mr. Neil moved for Mr. Rodriguez, City Solicitor, to negotiate with Barnes & Thornburg and report back to City Council for action. The motion was seconded by Mr. Boggerty and unanimously carried.

PROCLAMATION - DYSLEXIA AWARENESS MONTH

The City Clerk read the following Proclamation into the record:

WHEREAS, dyslexia is a disorder that involves difficulty in learning to read or interpret words, letters, and other symbols, but does not affect general intelligence; and

WHEREAS, dyslexia affects one in five students or 20 percent of the population and represents 80-90 percent of all those with learning disabilities, it is the most common of all neuro-cognitive disorders without regard to race, gender, age or socioeconomic status; and

WHEREAS, 80% of children with an Individualized Education Plan (IEP) have reading difficulty and 85% of those are dyslexic. The achievement gap between typical readers and dyslexic readers occurs as early as first grade; and

WHEREAS, early screening for, and early diagnosis of dyslexia is critical for ensuring that individuals with dyslexia receive focused, evidence-based intervention that leads to fluent reading, the promotion of self-awareness and self-empowerment, and the provision of necessary accommodations that ensures success in school and in life.

NOW, THEREFORE, I, ROBIN R. CHRISTIANSEN, MAYOR OF THE CITY OF DOVER, DELAWARE, do hereby proclaim October 2021 as **Dyslexia Awareness Month** in the City of Dover and recognize the need for early screening and diagnosis and encourage all citizens to learn about dyslexia.

On behalf of the Mayor and Council, Mayor Christiansen presented the proclamation to Mrs. Jeannie Anderson.

Mrs. Anderson advised that her oldest son was severely dyslexic and all through grade school, she fought with the medical establishment that said it was a learning problem. She provided information on the Fast-Forward program that was able to help her son. Mrs. Anderson noted that dyslexia is very serious and a lot more common than people realize. She thanked members of Council for the proclamation.

Mr. Taylor advised that he had struggled with dyslexia his entire life and that he has to read things three times where most people read them once. He thanked Mrs. Anderson for her courage and bravery and for bringing dyslexia to everyone's attention.

Mr. Anderson advised that Mrs. Anderson did not give herself credit for the research she did and the work she did with the experts, including the Governor's Council on Disabilities. He noted that they found that the research was valid and Dr. Marcia Lawton tried it at the Campus Community Schools and it has been used in other places. He encouraged parents that there were answers today that work and they help people tremendously.

ADOPTION OF MINUTES - SPECIAL COUNCIL MEETING OF OCTOBER 11, 2021

The Minutes of the Special Council Meeting of October 11, 2021 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

ADOPTION OF MINUTES - REGULAR COUNCIL MEETING OF OCTOBER 11, 2021

The Minutes of the Regular Council Meeting of October 11, 2021 were unanimously approved by motion of Mr. Hare, seconded by Mr. Neil and bore the written approval of Mayor Christiansen.

**ECONOMIC DEVELOPMENT COMMITTEE REPORT -
SEPTEMBER 14, 2021**

The Economic Development Committee Meeting was held by video conference on September 14, at 4:00 p.m. with Mayor Robin R. Christiansen presiding. Committee

Members present via video or telephone were Dave Hugg Director of Planning and Inspections, Councilman Andre Boggerty, Councilman Fred Neil, Diane Laird, Interim City Manager Matt Harline were present. Kim Adams and Clayton E. Hammond II were not present. Guests present Dr. Stacy Downing and Dr. Terrell Holmes from Delaware State University. Public Present Councilman David Anderson, Gregory Moore, Shannon Heal, , Pastor Grimes, and Judy Diogo.

WELCOME

At 4:00 pm Mayor Robin R. Christiansen called the Economic Development Meeting to order.

ADOPTION OF AGENDA

Mayor Christiansen called for a motion to adopt the Agenda. Councilman Fred Neil moved for adoption of agenda, seconded by Diane Laird, unanimously carried. (Kim Adams and Clayton E. Hammond II absent).

ADOPTION OF MINUTES

Mayor Christiansen called for a motion to adopt June 8, 2021 minutes. Dave Hugg moved for adoption of minutes, seconded by Diane Laird, unanimously carried. (Kim Adams and Clayton E. Hammond II absent).

DELAWARE STATE UNIVERSITY - DR. STACY DOWNING DSU DOWNTOWN CAMPUS UPDATE

Dr. Downing states Staff have moved down to campus in mid-July 2021, a lot of renovation and branding have occurred. Secondly, wanted activity for the academic year, Wesley College of Health and Behavioral Sciences will be housed at this location. 70 classes/ 200 students living on campus is occurring this semester and the goal is to have the entire college for fall of 2021. Branding is intentional to preserve legacy of Wesley. Goal is to do a Wesley Legacy Hall and 147-year history. As news is spreading have had outreach from community goal is to use resources from community and provide resources to the community.

Dr. Terrel Holmes extremely excited and proud of what is happening, the opportunity to serve Dover and the State of Delaware better and further. Group that is on campus is doing Covid screening and testing on Campus. Van on the Governors St once a week for Covid screening, testing, and vaccination free of charge. We welcome our community to walk around campus to see the branding they have done. Desire to keep existing partnerships like hosting Charleston School. The goal is to contribute and immerse ourselves in the community. Looking at how to do that with religious leaders in the community and local business owners.

Councilman Fred Neil asks how many of the Wesley Students stayed and transferred to Delaware State University? Dr. Downing states 500 students from undergraduate,

online, and graduate they are called Wesley Legacy Students. Councilman Fred Neil, in terms of course work and credits does that transfer to DSU program? Dr. Downing, yes we insured their transition would be seamless as possible.

DELAWARE STATE UNIVERSITY - DR. CHERESE WINSTEAD AND DR. MICHAEL CASSON

Dr. Winstead and Dr. Casson were not present Committee moved to next Agenda item.

CITY OF DOVER PLANNING UPDATE GIVEN BY DAVE HUGG

Dave Hugg, anxious for Dr. Winstead to reestablish a relationship with Delaware State University and its Agriculture program. The city has experiences issues with food sufficiency and food deserts. Many residents do not have access to fresh food supplies, which has been brought up Comprehensive Planning and Kent Economic Partnership. Continue concept of urban farming such as vertical farming and hydro culture. DSU has experience and expertise in these areas. We are intrigued by work in Wilmington with 2nd Chance Farm and urban agriculture facility. Property in the end of downtown as a possible location for a facility.

Tonight, Council Committee of the Whole Legislative and Finance Committee will look text amendment to zoning ordinance. That will make meaningful changes to manufacturing zoning district for example, raise height limitations and to eliminate all manufactures must go through conditional use process, and technical changes to allow additional to be used accessory uses. Talking to number of prospects near Lafferty Lane and Horsepond Road area are flex manufacturing warehouse buildings. Also working with Kent Economic Partnership to bring interest to Dover. Moving forward with Residential projects to bring new housing to the City.

Councilman David Anderson, a commercial realtor stopped him on the street and told him how excited he was to be working with the Office of Planning and is now recommending them to choose city. Dave Hugg said he had heard this and is delighted Councilman Anderson is hearing it. In the last couple of weeks received a few compliments on how supportive staff has been. Mayor Christiansen states that Dave and himself meet monthly with the local realtors so we can let them know what we see, and they let us know how we can improve. Also partnering with Judy Diogo from the Chamber of Commerce, Kent Economic Partnership Linda Parkowski and Shannon Heal it is one big effort to spotlight not only the City of Dover but also central Delaware.

MAYORS ANNOUNCEMENT

Mayor Christiansen asks Diane Laird for a brief update. Diane Laird, it is still hard

to get people downtown shopping. First Friday in two weeks is Paint Dover, artists will be coming to town to be painting Loockerman St., the Green and everyone in-between. Black Swamp Artisanal Market invite you all to September 24th at Noon. Rebel Cove is surfing the shopper's ups and downs and working hard to stay afloat. Providing a full-service restaurant. is new for them and proving difficult during Covid times. Working with DSU representatives incorporating them. Master Plan Review Panel met last Friday and short listed three vendors to provide a Master Plan for Dover.

Shannon Heal- Kent Economic Partnership - 17 projects in early stage 2 in serious and 3 middle keeping up with a lot of inquiries. Recently met with East West Freight Study group will be able to rap up in the next couple weeks. Recently had Kent County Business Tour were able to see companies that moved into Dover area and available industrial sites. Toured USA fulfillment, old Ricol site, Garrison Oak, Civil Air Terminal, Shore Industries, and Delmarva Corrugated. We were able to see what these companies needed and how they can address workforce issues. Councilman Anderson asks if Shannon has any tentative dates on East West study and the corridor connector to route 1 with industrial parks. Shannon Heal state this month for initial workshop and another one for the next month around October. The Joint Use Agreement we are hoping it will be signed by the end of this year.

Judy Diogo Executive Director of Delaware Chamber of Commerce currently working on two different programs for Kent County Levy Court regarding ARPA funding; small business grant program and a hospitality grant program. Hoping to get in front of Commissioner in October to ask these two programs be expedited. On September 23 Amazing Chase will be starting at 5:00pm. December 3 will be the Capital Holiday Celebration. State of the Base Briefing will be November 22 at Dover Airforce Base to register go to Delaware Chamber of Commerce Calendar due to security reasons you must register early. Also, partnered with Leadership Delaware program to network and encourage County participants to continue education in the State program.

Mayor Christiansen asks everyone to join him on September 18 at 10am at Dover Park for renaming of the park to LT Blackshear. Fun event October 2 the Mayor's Silver Lake Regatta celebrating Silver Lake and will have a cardboard boat contest for design and sea worthiness. The title this year is Whatever Floats Your Boat. Job Fair will be held September 16 at the Blue Hen Corporate Center.

NEXT MEETING DATE

October 12, 2021 AT 4:00 PM

ADJOURNMENT

Mayor Robin R. Christiansen called for a motion to adjourn. Councilman Fred Neil and moved for adjournment, seconded by Diane Laird, unanimously carried. Meeting adjourned 4:40PM.

By consent agenda, Mr. Hare moved for acceptance of the Economic Development Committee Report, seconded by Mr. Neil and carried by a unanimous roll call vote.

COUNCIL COMMITTEE OF THE WHOLE REPORT - OCTOBER 12, 2021

The Council Committee of the Whole Meeting was held on October 12, 2021 at 6:00 p.m., with Council President Sudler presiding. Members of Council present were Mr. Anderson, Mr. Boggerty, Mr. Neil, Mr. Hare, Mrs. Arndt, Mr. Rocha, and Mr. Taylor. Mayor Christiansen was also present. Civilian members present for their Committee meetings were Mr. Lewis (*Parks, Recreation, and Community Enhancement*), Mr. McCutchen (*Utility*), and Mr. Contant and Mr. Shevock (*Legislative, Finance, and Administration*). Mr. Jones (*Parks, Recreation, and Community Enhancement*) was absent.

UTILITY COMMITTEE

The Utility Committee met with Chairman Rocha presiding.

Adoption of Agenda

Mr. Neil moved for adoption of the agenda, seconded by Mr. Taylor and unanimously carried.

Proposed Updates to Electric Service Handbook (Paul Waddell, Electric Director)

Mr. Paul Waddell, Electric Director, reviewed the proposed amendments to the Electric Service Handbook.

Staff recommended approval of the proposed amendments to the Electric Service Handbook.

Mr. Anderson moved to recommend approval of Staff's recommendation, seconded by Mr. Hare and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the proposed amendments to the Electric Service Handbook (Exhibit #2), as recommended by the Committee. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

Mr. Hare moved for adjournment of the Utility Committee meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 6:03 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee met with Chairman Anderson presiding.

Adoption of Agenda

Mr. Rocha moved for adoption of the agenda, seconded by Mr. Taylor and unanimously carried.

Proposed Budget Amendments to the Fiscal Year 2020 and 2021 Community Development Block Grant (CDBG) Action Plan (Tracey Harvey, Planner I)

Ms. Tracey Harvey, CDBG Program Administrator, reviewed the background and analysis for the Proposed Budget Amendments to the Fiscal Year 2020 and 2021 Community Development Block Grant (CDBG) Action Plan.

Staff recommended approval of the proposed Budget Amendments totaling \$63,200.53 for Fiscal Year 2021.

Ms. Harvey stated that staff proposed to reallocate \$18,900.53, not \$18,200.53, of the funds that were never obligated to a CDBG activity to Milford Housing Development Corporation (MHDC).

Ms. Harvey stated that the total available for reallocation was \$63,900.53 not \$63,200.53.

Mr. Neil moved to recommend approval of the proposed Budget Amendments totaling \$63,200.53 for Fiscal Year 2021, as recommended by Staff, as corrected. The motion was seconded by Mr. Shevock and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Proposed Ordinance #2021-22 Amending Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 164 - Fees (Dave Hugg, Planning and Community Development Director)

Mr. Dave Hugg, Planning and Community Development Director, reviewed the background and analysis for Proposed Ordinance #2021-22 Amending Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 164 - Fees.

Staff recommended adoption of the ordinance as presented.

Mr. Anderson stated that he had concerns with the following sections of the proposed Ordinance:

- The entry barriers on daycare facilities

- Limiting the public occupancy for meeting rooms to 50
- Special events and outdoor events

Responding to Mr. Anderson, Mr. Hugg stated that it had not occurred to him that raising the fee from \$50 to \$100 could be a detriment, but he was fine with the suggestion to go back and look at the fees to perhaps reduce them to the original \$50 or perhaps provide two-tiers. He explained that part of the reason for bringing this forward was to get Council comments and input. Mr. Hugg noted that he would be willing to provide some alternatives for Mr. Anderson's concerns when this came back to City Council.

Mr. Neil moved to recommend that the amendments be drafted and presented for review at the First Reading, as recommended by staff. The motion was seconded by Mr. Anderson and unanimously carried.

Mr. Sudler moved to recommend adoption of proposed Ordinance #2021-22, with amendments. The motion was seconded by Mr. Neil and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote. (The First Reading of the ordinance will take place during the latter part of the meeting.)

Mr. Anderson turned the Chair of the Legislative, Finance, and Administration Committee over to Mr. Sudler.

Discussion - American Rescue Plan Act (ARPA) Framework (Councilman David Anderson, Councilman Gerald Rocha, Sr., and Councilman Ralph Taylor, Jr.)

Mr. Anderson, Mr. Taylor, and Mr. Rocha reviewed the proposed American Rescue Plan Act (ARPA) Framework.

Mr. Boggerty asked the following questions regarding the proposed riverwalk:

- What would the return on investment be?
- Can vendors sell there?
- Is it just walking?
- What activities daily or in the summertime can be offered to have a return on investment?
- Who and how would the riverwalk be monitored?
- What plans would be in place to prevent homeless individuals from camping out along the riverwalk?

Responding to Mr. Anderson, Ms. Tracey Harvey, Community Development Block

Grant (CDBG) Program Administrator, stated that she recommended using remaining CDBG funds for housing rehabilitation. She explained that there had to be a request for proposal (RFP) process for the items that were chosen in that agenda, and she suggested doing an RFP process for that rather than allocating funds to people that already submitted applications to be fair. Ms. Harvey noted that she would go back and look at the regulations again but she had glanced at them and did not think a riverwalk would be eligible as projects had to be related to COVID-19 and economic recovery.

Responding to Mrs. Arndt, Mr. Anderson stated that this item was created for members to give input on what they would like to see and priorities to be recommended as a framework to the Joint Subcommittee to Evaluate American Rescue Plan Act (ARPA) Funding Requests from Nonprofits. He explained that it would not lock them into specifics, it was just a generalized framework so the Committee could begin work.

Mr. Matt Harline, Interim City Manager, reviewed a memo regarding Use of City and State ARPA Funds that had been sent to Committee members earlier that day. He explained that the City had until December 31, 2025 to spend the ARPA funds.

Responding to Mr. Rocha, Mr. Harline stated that the proposed site for the riverwalk had previously been a dump with trash buried under it. He explained that the City was currently working with compliance and environmental to study the area. Mr. Harline noted that there was a previous project to remediate that area because it was the old sewer treatment facility and the grounds department also used to be housed there.

Responding to Mr. Contant, Mr. Harline stated that he could get the list projects that the City was working on to review by the following week.

Mr. Anderson moved to recommend the framework be adopted as a non-binding item to offer guidance to the subcommittee ahead of the budget. The motion was seconded by Mr. Taylor and unanimously carried.

By consent agenda, Mr. Hare moved to adopt the American Rescue Plan Act (ARPA) Funding Strategic Framework (Exhibit #3) as a non-binding item to offer guidance to the subcommittee ahead of the budget. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

Responding to Mr. Contant, Mr. Anderson stated that the motion was on whether or not the Committee wanted to adopt the framework presented but that it would have to be developed into a supplemental budget item which would come back before the Committee.

Mr. Sudler turned the Chair of the Legislative, Finance and Administration Committee over to Mr. Anderson.

Discussion - Infrastructure Submissions for State Aid (Councilman Andre Boggerty)

Mr. Boggerty briefed the Committee on a meeting he had attended with Mr. Harline, interim City Manager, Mayor Christiansen, and Governor John Carney regarding infrastructure submissions for State Aid.

Mr. Harline stated that \$8,619,257 of American Rescue Plan Act (ARPA) funds had been allocated to the City of Dover because of the funding formula. There was also \$932,000,000 in ARPA funds that went to the State for State projects and money went to the State to distribute to the cities on a per capita basis. He explained that, to the best of his knowledge, none of those monies had been absolutely allocated. Mr. Harline noted that the City had the projects he had described that night and the ones they were kicking around about Capital Green but staff operated on the direction of Council and it was his understanding that they would be having a debate and discussing whether or not to go forward with just infrastructure projects. He stated that during the meeting he had heard the Governor emphasizing the importance of housing. Mr. Harline explained that he had wanted to hear from the Council if they wanted to just offer the same projects that were described in the meeting with the Governor or if there were some important projects in housing that should be brought forward to him to continue the dialog. He noted that he was ready to bring whatever Council would like to the Governor to see if they could get a Cooperative Funding Project.

Mr. Boggerty moved to recommend authorizing the Interim City Manager to send the housing projects that were discussed as well as any projects that, in his judgement, would fit the criteria to the Governor's office and send a copy of what was sent to members of City Council. The motion was seconded by Mr. Rocha.

Responding to Mr. Sudler, Mr. Harline stated that he had never asked for \$11,000,000 without going to Council for approval. He explained that there had been a wait because Councilman Anderson and Council were having deliberative discussions about how they wanted to distribute and use ARPA funds.

Responding to Mr. Neil, Mr. Anderson stated that the Information Technology (IT) Department's request for \$86,200 to cover the next two-years for cybersecurity and third-party non-profits requests would be sent to the Governor's Office for consideration

Responding to Mr. Hare, Mr. Anderson stated that if third-party non-profit requests did not come through from the Governor's Office, they would be requests made for ARPA funding from the City of Dover, they would not be funded by City taxpayers.

The motion to recommend authorizing the Interim City Manager to send the housing projects that were discussed as well as any projects that, in his judgement, would fit the criteria to the Governor's office and send a copy of what was sent to members of City Council was unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Proposed Approval of By-Laws - Dover Strong Fund, Inc. (Matt Harline, Interim City Manager)

Ms. Lisa Chase, City of Dover Grant Writer, reviewed the background and analysis of the Proposed Approval of By-Laws - Dover Strong Fund, Inc.

Staff recommended endorsing the by-laws as submitted.

Mr. Neil moved to recommend endorsing the by-laws as submitted, as recommended by staff. The motion was seconded by Mr. Hare and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Dover Strong Fund by-laws (Exhibit #4), as recommended by the Committee, seconded by Mr. Neil and carried by a unanimous roll call vote.

Annual Review of Investment Policy (Lori Peddicord, Controller Treasurer)

Ms. Lori Peddicord, Controller/Treasurer, briefed the Committee on the Annual Review of the Investment Policy.

Staff recommended approval of the submitted changes.

Responding to Mr. Anderson, Ms. Peddicord stated that there were no changes from the previous policy.

Mr. Hare moved to recommend approval of the submitted changes, as recommended by staff. The motion was seconded by Mr. Sudler and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Investment Policy (Exhibit #5), as recommended by the Committee, seconded by Mr. Neil and carried by a unanimous roll call vote.

National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Computer Software Annual Subscription (Sole Vendor) (Sharon Duca, Public Works Director)

Ms. Sharon Duca, Public Works Director, reviewed the background and analysis for the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Computer Software Annual Subscription.

Staff recommended issuing a purchase order to 2NDNATURE Software, Inc. for the 2NDNATURE software to assist with the documenting and reporting for the City's NPDES MS4 permit for the amount of \$417,998.50 in FY2022 (to be budgeted for annually).

Mr. Hare moved to recommend approval of Staff's recommendation, seconded by Mr. Boggerty and unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Update on North Bradford Street – Street, Sidewalk and Tree Plan and Consultant Utilization (Sharon Duca, Public Works Director)

Mrs. Sharon Duca, Public Works Director, reviewed the background and analysis for the Update on North Bradford Street - Street, Sidewalk and Tree Plan and Consultant Utilization.

Staff recommended utilizing Century Engineering to develop a Concept Plan for Street and Sidewalk Improvement for North Bradford Street in accordance with the Scope of Service and Cost Proposal received in the amount of \$40,000 (fixed rate plus expenses).

Mr. Hare asked that staff look into whether or not homeowners would be willing to sign something to relieve the City of liability if they wanted to keep trees that the City felt should be removed for safety reasons.

Mr. Hare moved for approval of Staff's recommendation, seconded by Mr. Neil.

Responding to Mr. Taylor, Mrs. Duca stated that she could pass on Mr. Taylor's safety concerns about overgrown trees blocking lights on South New Street to the Grounds Division of the Parks and Recreation Department.

The motion to recommend utilizing Century Engineering to develop a Concept Plan for Street and Sidewalk Improvement for North Bradford Street in accordance with the Scope of Service and Cost Proposal received in the amount of \$40,000 (fixed rate plus expenses), as recommended by staff was unanimously carried.

By consent agenda, Mr. Hare moved for approval of the Committee's recommendation, seconded by Mr. Neil and carried by a unanimous roll call vote.

Mr. Rocha moved to recess the Legislative, Finance, and Administration Committee meeting, seconded by Mrs. Arndt and unanimously carried.

Meeting recessed at 8:00 p.m.

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE

The Parks, Recreation, and Community Enhancement Committee met with Chairman Boggerty presiding.

Adoption of Agenda

Mr. Sudler moved for adoption of the agenda, seconded by Mr. Neil and unanimously carried.

Mayor and Council Reports - July 2021

Mr. Sudler, Council President, reported that he was working with the Clerk's Office to schedule some training sessions in the areas of proactive ethical behavior as Councilpersons, history of infrastructure challenges within the last four years to this period with former City Manager, Donna Mitchell, and an overview of the code enforcement daily duties, challenges, and tips for Councilpersons to convey to their constituents regarding reducing potential code violations and increasing community pride.

Mr. Rocha, First District Councilman, reported that he had received a complaint of foxes sighted in Fox Hall West. He explained that the SPCA had referred him to the Office of Animal Control, who had referred the complainant to Critter Control which was a private company. Mr. Rocha noted that there was not an Homeowners Association (HOA) that would pay the cost associated with Critter Control and the complainant could not cover the cost they were quoted. He stated that he had given the complainant Police Chief Thomas Johnson's email address and he would be reaching out to see if Dover Police Department may be able to assist. Mr. Rocha also reported on a complaint received about Mifflin Road on July 30, 2021 regarding trailer traffic that had increased. He explained that there were two signs but they were in a position where it would be too late to back the truck up and move. Mr. Rocha noted that he had been in conversation with Mrs. Sharon Duca, Public Works Director, about getting the signs moved or putting up new signs to make them more noticeable. He stated that the signs said no trucks over two axles with the exception of local services, so he needed to find out what the definition of local services was moving forward so there would not be a grey area. Mr. Rocha explained that the complaint also included speeding in excess of 40 miles per hour which he had

referred to Mrs. Duca and Mr. Matt Harline, Interim City Manager. He noted that Mifflin Road was a State Road so Delaware Department of Transportation (DelDOT) must be involved. Mr. Rocha stated that Mrs. Duca had put in a request for Dover Police Department to conduct a speed study on the road.

Mr. Taylor, Second District Councilman, reported that the issue of overgrowth around the waterways and tributaries he had brought forward previously had been taken care of and thanked Mrs. Duca, Mr. Harline and Mr. Hugg for getting it cleaned up. He explained that he and Mr. Hare had received complaints of PODS sitting in people's driveways for an excessive amount of time. Mr. Taylor noted that he was not sure of how long they could be there but asked that staff look into it.

Mr. Hare, Second District Councilman, reported that he had received a complaint about a tractor trailer parked on New Burton Road. He also noted that while it was not in the Second District, there were also trailers parking on the south side of Webbs Lane and leaving the trucks running. Mr. Hare explained that the south side of Webbs Lane was either the State or Camden's territory so he was not sure if there was anything the City could do about it.

Responding to Mr. Hare, Mayor Christiansen stated that Dover Police Department was trying to get the tractor trailers to move because they were parking all over the City. He also noted he had reached out to the State of Delaware Police Troop three (3) commander regarding Webbs Lane and they would be trying to get the trailers to move along and let them know they can't park along those streets.

Mrs. Arndt, Third District Councilwoman, reported that she had attended an tree ordinance webinar. She noted that Mrs. Duca had mentioned that the Forest Service had provided an overview and analysis of the Bradford Street tree project and there were several recommendations in the packet. Mrs. Arndt stated that she would like to ask staff to evaluate drafting a tree ordinance to codify some of the recommendations within the Forest Service's report.

Mr. Anderson, Fourth District Councilman, reported that there were visibility and security concerns downtown in the Reed, New, and Queen Street areas that included maintenance of some of the foliage there. He noted that there were also concerns with sidewalk maintenance on West Division Street between State Street to Kirkwood Street. Mr. Anderson stated that the sidewalk on the north side had deteriorated so greatly that parts of it were almost gravel and asked that staff take a look at it.

Mr. Sudler, Fourth District Councilman, reported that he would be contacting Mr. Anderson later in the week to discuss preparing for a Fourth District town hall meeting to gain a pulse on current environmental issues that were reducing their community's well-being by October 28, 2021.

Mr. Boggerty, At-Large Councilman, reported that there had been a question of who was supposed to cut the grass by Dover High and it had been taken care of. He noted that there had also been a question of who was supposed to cut the grass by General Foods and it was taken care of.

Responding to Mr. Boggerty, Mr. Harline stated that the school board believed it was the State's responsibility to cut the grass so he would talk with the State about it.

Mr. Rocha stated that he had the opportunity to visit the Hope Center in New Castle and they were willing to assist the City if it decided to do something similar. He noted that if it pleased Council, a time could be set up to do a site visit.

Mr. Neil stated that he had been waiting to hear when there would be a ceremony for the new smart lighting system and asked that he be informed of what was happening and when the event would be held.

Responding to Mr. Neil, Mr. Harline stated that there had been some technical issues with the lighting system but he was 99.9% sure it would be ready for the first Friday in November 2021.

Mr. Hare stated that he had heard from residents that were not in favor of a proposal to bring something to the Delaware Auto Sales building on Division Street and mentioned that they may want to contact those constituents as it was within the Fourth District.

Mayor Robin Christiansen reported that he had done the following:

- Attended Council Meetings.
- Attended Council Committee of the Whole Meetings.
- Attended monthly meetings for the preparations for the Home for the Holidays celebration.
- Attended preparations for the Old Dover Days festival.
- Attended numerous ribbon cuttings.
- Attended business anniversary celebrations.
- Attended monthly Chamber of Commerce board meetings.
- Attended Kent Economic Partnership meetings.
- Attended Kent County Tourism meetings.
- Chaired the City of Dover Economic Development Committee meetings.
- Met monthly with local realtors.
- Chaired the Kent County Metropolitan Planning Organization (MPO).
- Met with the Kent County MPO Executive Director (monthly).
- Attended Delaware State University functions.
- Attended Delaware State University's President's Prayer Breakfast.
- Worked with City staff on the Wesley College transition.
- Entertained numerous potential new businesses to come to the City of Dover.

- Attended Gang Violence Intervention Training.
- Attended Downtown Dover Partnership (DDP) meetings and their subcommittee meetings
- Attended Rotary on a weekly basis.
- Interacted and networked with fellow citizens and business people who attend various functions.
- Met with the City of Dover Police Chief, staff, and the Principals of Dover High School and Central Middle School concerning recent events of gang violence in the City.
- Met with parents concerned about their children's safety at Dover High School and other Capital School District schools.
- Attended various functions in the community.
- Attended neighborhood watch meetings.
- Attended the Pride Festival.
- Attended the Council on Police Training and their subcommittee meetings.
- Met with a number of constituents and followed up when Council members were not able to.
- Helped restore electric for people who had been done wrong.
- Tried to mediate neighborhood issues and confrontations.
- Participated in story time at the Dover Public Library.
- Spent several hours checking speeds on the North Governor's Avenue area and verifying that the issue would be put on an upcoming agenda.
- Observed the Dover Post Office parking lot after receiving complaints.
- Represented the City of Dover on the Executive Board of the Delaware League of Local Governments at their monthly meetings.

Responding to Mr. Rocha, Mayor Christiansen stated that the traffic patterns on North Street and Queen Street as well as Bank Lane have all caused issues. He noted that the City would be contacting DelDOT because south of North Street and Queen Street was the State's responsibility.

Mr. Hare moved for adjournment of the Parks, Recreation, and Community Enhancement Committee meeting, seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 8:30 p.m.

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee reconvened with Chairman Anderson presiding.

City of Dover Impact and Permit Fees - Capital School District (Matt Harline, Interim City Manager)

Mr. Matt Harline, Interim City Manager, briefed the Committee on the ongoing discussion regarding Impact and Permit Fees regarding Capital School District.

Responding to Mr. Boggerty, Mr. Harline stated that the City was working on an amicable solution to avoid the School District triggering the mediation that was provided for in the State Code. He noted that they were making progress but they were not there yet.

Responding to Mr. Boggerty, Mr. Harline stated that per the Code, the City was not allowed to charge anything except for what was directly related to the additional growth. He explained that staff was trying to get a definition of what the final populations of the buildings were going to be and were waiting to receive that information from the school district.

Responding to Mr. Boggerty, Mr. Harline stated that the use of “administrative” is usually an oversight, while the staff at the front desk does take the calls and filling out permits, the inspectors that go one site are a part of the actual cost so it wasn’t cut and dry and that was why they were trying to work out an amicable solution without having to go to mediation.

Responding to Mr. Boggerty, Mr. Harline stated that the City would most likely have to pay if this went to mediation and generally everyone pays half.

Responding to Mr. Contant, Mr. Harline stated that staff was going to develop a memorandum of understanding that explicitly stated that if the school district sold the building to a charter school or another business down the line, the new impact fees would have to come to the City to offset what was forgiven.

Responding to Mr. Contant, Mr. Harline stated that staff was going to try to estimate based off the school district’s long-term plan and revisit this annually. He noted that they were going to try to make this as unburdensome on staff as possible without giving away City funds.

Responding to Mr. Contant, Mr. Harline stated that the school district was building two (2) buildings but they were not adding total student body.

The Legislative, Finance, and Administration Committee was adjourned by

unanimous consent.

Meeting adjourned at 7:58 p.m.

Mr. Hare moved for adjournment of the Council Committee of the Whole meeting. The motion was seconded by Mr. Neil and unanimously carried.

Meeting adjourned at 8:44 p.m.

By consent agenda, Mr. Hare moved for acceptance of the Council Committee of the Whole Report, seconded by Mr. Neil and carried by a unanimous roll call vote.

QUARTERLY REVIEW - CAPITAL INVESTMENT PLAN REPORT (CIP) (APRIL, MAY, AND JUNE)

Members were provided the Quarterly Report for the Capital Investment Plan (CIP) as of June 30, 2021.

By consent agenda, Mr. Hare moved for acceptance of the Quarterly Report for the Capital Investment Plan (CIP) as of June 30, 2021. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

QUARTERLY REVENUE REPORT AS OF SEPTEMBER 30, 2021

Members were provided the Quarterly Revenue Report as of September 30, 2021.

By consent agenda, Mr. Hare moved for acceptance of the Quarterly Revenue Report as of September 30, 2021, seconded by Mr. Neil and carried by a unanimous roll call vote.

SEMI-ANNUAL INSPECTION BY CITY MANAGER - ROBBINS HOSE COMPANY

In accordance with Chapter 46 - Fire Prevention and Protection, Article II - Fire Department, Division 1 - Generally, Section 46-43 - Semiannual Inspections of the Dover Code, the Interim City Manager, Mr. Matthew Harline, met with the Fire Chief to discuss fire company issues. Mr. Harline submitted a memorandum outlining the items discussed and noted that the Dover Fire Department continues to provide top quality fire protection with a fully volunteer firefighting staff. Moreover, DFD has capital and operation plans in place to address key challenges in the future. However, there are financial and cultural challenges that will need additional thought, discussion and planning to protect and maintain this level of excellence..

By consent agenda, Mr. Hare moved for acceptance of the report of the Semi-Annual Robbins Hose Company Inspection, as submitted by the City Manager. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

APPOINTMENT RECOMMENDED BY CITY COUNCIL - TRACI MCDOWELL - INTERIM CITY CLERK (EFFECTIVE OCTOBER 18, 2021)

By Consent Agenda, Mr. Hare moved for the appointment of Traci McDowell to serve as Interim City Clerk, effective October 18, 2021. The motion was seconded by Mr. Neil and carried by a unanimous roll call vote.

APPOINTMENTS RECOMMENDED BY MAYOR CHRISTIANSEN

Mayor Christiansen recommended the following appointments:

Dover Fourth of July Celebration Committee - Lori Peddicord - One-Year Term to Expire October 2022 (to fill the expired term of Jeffrey C. Dill)

Dover Public Library Advisory Commission - Councilman Fred Neil - Five-Year Term to Expire October 2026 (to fill the expired term of Scott W. Cole)

By consent agenda, Mr. Hare moved for approval of the appointments, as recommended by Mayor Christiansen, seconded by Mr. Neil and carried by a unanimous roll call vote.

FIRST READING - PROPOSED ORDINANCE #2021-22

Council President Sudler reminded the public that copies of the proposed ordinance were available at the entrance of the Council Chambers, on the City's website at www.cityofdover.com under "Government," or by contacting the City Clerk's Office at (302) 736-7008 or cityclerk@dover.de.us. Final action by Council on the proposed ordinance will take place during the Council Meeting of November 8, 2021.

Mr. David Hugg III, Director of Planning and Community Development, advised that most of the City's fire fines and fees had not been updated in the last six (6) to 12 years and they did not represent or cover current personnel and other costs. He also noted that they did not act as a significant deterrent to people who chose to ignore them and in some cases, they were not in compliance with similar state codes and ordinances.

Mr. Hugg stated that the provisions in the Dover Code were not consistent with State fire code or with the National Fire Protection Association's (NFPA) Section 101, definitions of what public assemblies were. He advised that he and the Fire Marshal, Mr. Jason Osika, reviewed the various provisions of the Charter and Code that relate to the Fire Marshal's operations to recommend improvements, corrections, and revisions in a multiple step process.

Mr. Hugg advised that the proposed ordinance updated all of the definitions of public assembly to match the NFPA 101 and increased the fines and fees appropriately for the new categories.

Mr. Hugg noted that the Council Committee of the Whole/Legislative, Finance, and Administration Committee recommended amendments to the ordinance. He stated that the Committee and staff amendments were indicated in green text in the ordinance. Mr. Hugg reviewed the proposed amendments as follows:

- There was a concern that the increase in fees for daycares, particularly small daycares, might prove an economic detriment to them being established in Dover, particularly as a result of COVID. People are trying to find work and adequate daycare was a critical component. Staff reviewed how daycares were addressed in the zoning ordinance and found three places where two of them relate to child daycare and family home daycare operations, and one relates to small adult daycare operations. Staff is recommending that the fee be revised to \$50 from the original request of \$100 to accommodate those activities.
- There was a concern at the Committee meeting regarding the fees charged for small assemblies such as churches, social groups, or civic organizations. Staff has established a category for small places of public assembly of less than 75 occupants without a fee and for places greater than 75 occupants, the new fee would take effect.

Mr. Hugg noted that the new fees and fines would take effect upon adoption of the ordinance and the changes in the application fees would be effective with the new year or with a totally new application. It would be phased in and would not be retroactive to effect existing businesses that had fire permits in place.

Mr. Anderson moved for approval of the Committee and Staff amendments, seconded by Mr. Boggerty and unanimously carried.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of the proposed Ordinance as read by the City Clerk, by title only, as follows:

ORDINANCE #2021-22 Amending Chapter 46 - Fire Prevention and Protection,
Article IV - Public Occupancies, Section 164 - Fees

**REZONING REQUEST FOR PROPERTY LOCATED AT 1427 NEW BURTON ROAD -
FIRST READING OF PROPOSED ORDINANCE #2021-25**

A request was received to rezone property located at 1427 New Burton Road, consisting of 1.0487^{+/-} acres, owned by New Burton Storage, LLC. The property is currently zoned C-1A (Limited Commercial) and the proposed zoning is C-3 (Service Commercial) (Tax Parcel: Tax Parcel: ED-05-085.11-01-03.00-000; Planning Reference: Z-21-07) (Council District 2)

Prior to amending the zoning ordinances and zoning map of the City of Dover, a public hearing is required.

Mr. Hare moved to refer the request to the Planning Commission on November 15, 2021 and set a public hearing before City Council for December 13, 2021 at 6:30 p.m. The motion was seconded by Mr. Rocha and carried with Mr. Taylor recusing himself.

In accordance with Section 1-9 of the Dover Code, Council acknowledged the First Reading of Proposed Ordinance #2021-25 as read by the City Clerk, by title only, as follows:

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF DOVER BY CHANGING THE ZONING DESIGNATION OF PROPERTY LOCATED AT 1427 NEW BURTON ROAD

INTERIM CITY MANAGER'S ANNOUNCEMENTS

Mr. Matthew Harline, Interim City Manager, advised that Advanced GO Services, the environmental firm selected to do the work on the McKee Run demolition and decommissioning would be in Dover Wednesday morning.

COUNCIL MEMBERS' ANNOUNCEMENTS

Mr. Taylor announced that Dr. Candace Samuels would be speaking about the Coronavirus vaccines at the Council Committee of the Whole meeting the following evening.

Council President Sudler announced that the City of Dover would be holding a special first district municipal election to fill the unexpired term of the First District City Council seat. The term of the office was December 13, 2021 to May 8, 2023. The deadline to file a nominating petition with the City Clerk was Monday, November 1, 2021 at 4:30 PM. The nominating petition, referred to as the Solicitation of Candidates, was available on the City's website at <https://www.cityofdover.com/elections>.

ADJOURNMENT

Mr. Neil moved for adjournment, seconded by Mr. Hare and unanimously carried.

Meeting adjourned at 7:30 p.m.

TRACI A. McDOWELL
INTERIM CITY CLERK

All ordinances, resolutions, motions, and orders adopted by City Council during their Regular Meeting of October 25, 2021 are hereby approved.

ROBIN R. CHRISTIANSEN
MAYOR

/TM

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Exhibits

- Exhibit #1 - Presentation - Prime Time Family Program
- Exhibit #2 - Revised Electric Service Handbook
- Exhibit #3 - American Rescue Plan Act (ARPA) Funding Strategic Framework
- Exhibit #4 - Dover Strong Fund By-laws
- Exhibit #5 - City of Dover Investment Policy